
SECOND SUBSTITUTE HOUSE BILL 1354

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Pennington, Mielke, Dunn and Boldt)

Read first time 03/10/97.

1 AN ACT Relating to air pollution control; amending RCW 70.94.130,
2 70.120.070, 70.120.100, 70.120.170, and 46.16.015; adding a new section
3 to chapter 70.120 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.130 and 1991 c 199 s 705 are each amended to
6 read as follows:

7 The board shall exercise all powers of the authority except as
8 otherwise provided. The board shall conduct its first meeting within
9 thirty days after all of its members have been appointed or designated
10 as provided in RCW 70.94.100. The board shall meet at least ten times
11 per year. All meetings shall be publicly announced prior to their
12 occurrence. All meetings shall be open to the public. A majority of
13 the board shall constitute a quorum for the transaction of business and
14 shall be necessary for any action taken by the board. All members
15 shall be elected officials. The board shall elect from its members a
16 chair and such other officers as may be necessary. Any member of the
17 board may designate a regular alternate to serve on the board in his or
18 her place with the same authority as the member when he or she is
19 unable to attend except that a member shall attend at least seventy

1 percent of the meetings. In no event may a regular alternate serve as
2 chair. Each member of the board, or his or her representative, shall
3 receive from the authority compensation consistent with such
4 authority's rates (but not to exceed one thousand dollars per year) for
5 time spent in the performance of duties under this chapter, plus the
6 actual and necessary expenses incurred by the member in such
7 performance. The board may appoint a control officer, and any other
8 personnel, and shall determine their salaries, and pay same, together
9 with any other proper indebtedness, from authority funds.

10 **Sec. 2.** RCW 70.120.070 and 1991 c 199 s 203 are each amended to
11 read as follows:

12 (1) Any person:

13 (a) Whose motor vehicle is tested pursuant to this chapter and
14 fails to comply with the emission standards established for the
15 vehicle; and

16 (b) Who, following such a test, expends more than one hundred
17 dollars on a 1980 or earlier model year motor vehicle or expends more
18 than one hundred fifty dollars on a 1981 or later model year motor
19 vehicle for repairs solely devoted to meeting the emission standards
20 and that are performed by a certified emission specialist authorized by
21 RCW 70.120.020(2)(a); and

22 (c) Whose vehicle fails a retest, may be issued a certificate of
23 acceptance if (i) the vehicle has been in use for more than five years
24 or fifty thousand miles, and (ii) any component of the vehicle
25 installed by the manufacturer for the purpose of reducing emissions, or
26 its appropriate replacement, is installed and operative.

27 To receive the certificate, the person must document compliance
28 with (b) and (c) of this subsection to the satisfaction of the
29 department.

30 Should any provision of (b) of this subsection be disapproved by
31 the administrator of the United States environmental protection agency,
32 all vehicles shall be required to expend at least four hundred fifty
33 dollars to qualify for a certificate of acceptance.

34 (2) Persons who fail the initial tests shall be provided with:

35 (a) Information regarding the availability of federal warranties
36 and certified emission specialists;

37 (b) Information on the availability and procedure for acquiring
38 license trip-permits;

1 (c) Information on the availability and procedure for receiving a
2 certificate of acceptance; and

3 (d) The local phone number of the department's local vehicle
4 specialist.

5 **Sec. 3.** RCW 70.120.100 and 1979 ex.s. c 163 s 10 are each amended
6 to read as follows:

7 The department shall investigate complaints received regarding the
8 operation of emission testing stations and shall require corrections or
9 modifications in those operations when deemed necessary.

10 The department shall also review complaints received regarding the
11 maintenance or repairs secured by owners of motor vehicles for the
12 purpose of complying with the requirements of this chapter. When
13 possible, the department shall assist such owners in determining the
14 merits of the complaints.

15 The department shall keep a copy of all complaints received, and on
16 request, make copies available to the public.

17 **Sec. 4.** RCW 70.120.170 and 1991 c 199 s 208 are each amended to
18 read as follows:

19 (1) The department shall administer a system for emission
20 inspections of all motor vehicles registered within the boundaries of
21 each emission contributing area. Under such system a motor vehicle
22 shall be inspected biennially except where an annual program would be
23 required to meet federal law and prevent federal sanctions. In
24 addition, motor vehicles shall be inspected at each change of
25 registered owner of a licensed vehicle as provided under RCW 46.16.015.

26 (2) The director shall:

27 (a) Adopt procedures for conducting emission inspections of motor
28 vehicles. The inspections may include idle and high revolution per
29 minute emission tests. The emission test for diesel vehicles shall
30 consist solely of a smoke opacity test.

31 (b) Adopt criteria for calibrating emission testing equipment.
32 Electronic equipment used to test for emissions standards provided for
33 in this chapter shall be properly calibrated. The department shall
34 examine frequently the calibration of the emission testing equipment
35 used at the stations.

36 (c) Authorize, through contracts, the establishment and operation
37 of inspection stations for conducting vehicle emission inspections

1 authorized in this chapter. No person contracted to inspect motor
2 vehicles may perform for compensation repairs on any vehicles. No
3 public body may establish or operate contracted inspection stations.
4 Any contracts must be let in accordance with the procedures established
5 for competitive bids in chapter 43.19 RCW.

6 (3) Subsection (2)(c) of this section does not apply to volunteer
7 motor vehicle inspections under RCW 70.120.020(1) if the inspections
8 are conducted for the following purposes:

9 (a) Auditing;

10 (b) Contractor evaluation;

11 (c) Collection of data for establishing calibration and performance
12 standards; or

13 (d) Public information and education.

14 (4)(a) The director shall establish by rule the fee to be charged
15 for emission inspections. The inspection fee shall be a standard fee
16 applicable state-wide or throughout an emission contributing area and
17 shall be no greater than ~~((eighteen))~~ twelve dollars. Surplus moneys
18 collected from fees over the amount due the contractor shall be paid to
19 the state and deposited in the general fund. Fees shall be ~~((set at
20 the minimum whole dollar amount required))~~ twelve dollars and are
21 intended to (i) compensate the contractor or inspection facility owner,
22 and (ii) offset the general fund appropriation to the department to
23 cover the administrative costs of the motor vehicle emission inspection
24 program.

25 (b) Before each inspection, a person whose motor vehicle is to be
26 inspected shall pay to the inspection station the fee established under
27 this section. The person whose motor vehicle is inspected shall
28 receive the results of the inspection. If the inspected vehicle
29 complies with the standards established by the director, the person
30 shall receive a dated certificate of compliance. If the inspected
31 vehicle does not comply with those standards, one reinspection of the
32 vehicle shall be afforded without charge.

33 (5) All units of local government and agencies of the state with
34 motor vehicles garaged or regularly operated in an emissions
35 contributing area shall test the emissions of those vehicles annually
36 to ensure that the vehicle's emissions comply with the emission
37 standards established by the director. All state agencies outside of
38 emission contributing areas with more than twenty motor vehicles housed
39 at a single facility or contiguous facilities shall test the emissions

1 of those vehicles annually to ensure that the vehicles' emissions
2 comply with standards established by the director. A report of the
3 results of the tests shall be submitted to the department.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.120 RCW
5 to read as follows:

6 The department shall establish a scientific advisory board to
7 review plans to create or expand an inspection and maintenance system
8 for motor vehicle emissions. The board shall consist of three to five
9 members. All members shall have at least a master's degree in physics,
10 chemistry, or engineering, or a closely related field. No member may
11 be a current employee of a local air pollution control authority, the
12 department, the United States environmental protection agency, or a
13 company that may benefit from a review by the board.

14 The board shall review an inspection and maintenance plan at the
15 request of a local air pollution control authority, the department, or
16 by a petition of at least fifty people living within the proposed
17 boundaries of a vehicle emission inspection and maintenance system.
18 The entity or entities requesting a scientific review may include
19 specific issues for the board to consider in its review. The board
20 shall limit its review to matters of science and shall not provide
21 advice on penalties or issues that are strictly legal in nature.

22 The board shall provide a complete written review to the
23 department. If the board members are not in agreement as to the
24 scientific merit of any issue under review, the board may include a
25 dissenting opinion in its report to the department. The department
26 shall immediately make copies available to the local air pollution
27 control authority and to the public.

28 The department shall conduct a public hearing, within the area
29 affected by the proposed rule, if any significant aspect of the rule is
30 in conflict with a majority opinion of the board. The department shall
31 include in its responsiveness summary the rationale for including a
32 rule that is not consistent with the review of the board, including a
33 response to the issues raised at the public hearing.

34 Members shall be reimbursed for travel expenses as provided in RCW
35 43.03.050 and 43.03.060.

36 **Sec. 6.** RCW 46.16.015 and 1991 c 199 s 209 are each amended to
37 read as follows:

1 (1) Neither the department of licensing nor its agents may issue or
2 renew a motor vehicle license for any vehicle or change the registered
3 owner of a licensed vehicle, for any vehicle that is required to be
4 inspected under chapter 70.120 RCW, unless the application for issuance
5 or renewal is: (a) Accompanied by a valid certificate of compliance or
6 a valid certificate of acceptance issued pursuant to chapter 70.120
7 RCW; or (b) exempted from this requirement pursuant to subsection (2)
8 of this section. The certificates must have a date of validation which
9 is within six months of the date of application for the vehicle license
10 or license renewal. Certificates for fleet or owner tested diesel
11 vehicles may have a date of validation which is within twelve months of
12 the assigned license renewal date.

13 (2) Subsection (1) of this section does not apply to the following
14 vehicles:

15 (a) New motor vehicles whose equitable or legal title has never
16 been transferred to a person who in good faith purchases the vehicle
17 for purposes other than resale;

18 (b) Motor vehicles with a model year of 1967 or earlier;

19 (c) Motor vehicles that use propulsion units powered exclusively by
20 electricity;

21 (d) Motor vehicles fueled by propane, compressed natural gas, or
22 liquid petroleum gas, unless it is determined that federal sanctions
23 will be imposed as a result of this exemption;

24 (e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles
25 as defined in RCW 46.04.332;

26 (f) Farm vehicles as defined in RCW 46.04.181;

27 (g) Used vehicles which are offered for sale by a motor vehicle
28 dealer licensed under chapter 46.70 RCW; (~~or~~)

29 (h) Classes of motor vehicles exempted by the director of the
30 department of ecology; or

31 (i) Collector cars as identified by the department of licensing
32 under RCW 46.16.305(1).

33 The provisions of (~~subparagraph~~) (a) of this subsection may not
34 be construed as exempting from the provisions of subsection (1) of this
35 section applications for the renewal of licenses for motor vehicles
36 that are or have been leased.

37 (3) The department of ecology shall provide information to motor
38 vehicle owners regarding the boundaries of emission contributing areas
39 and restrictions established under this section that apply to vehicles

1 registered in such areas. In addition the department of ecology shall
2 provide information to motor vehicle owners on the relationship between
3 motor vehicles and air pollution and steps motor vehicle owners should
4 take to reduce motor vehicle related air pollution. The department of
5 licensing shall send to all registered motor vehicle owners affected by
6 the emission testing program notice that they must have an emission
7 test to renew their registration.

8 NEW SECTION. **Sec. 7.** The department of ecology shall revise its
9 state implementation plan to include a vehicle emission testing program
10 for southwest Washington that uses the testing boundaries that were in
11 effect January 1, 1996. The department shall submit its revised state
12 implementation plan to the federal environmental protection agency by
13 March 1, 1998.

--- END ---